

Meeting of 2000-5-9 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 9, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:30 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James H. Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF APRIL 25, 2000 AND SPECIAL MEETING OF MAY 1, 2000

MOVED by Smith, SECOND by Haywood, for approval of the minutes. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

CONDUCT AN ELECTION FOR MAYOR PRO TEM

MOVED by Haywood, SECOND by Hanna, to nominate Bob Shanklin to serve as Mayor Pro Tem. AYE: Smith, Hanna, Devine, Purcell, Moeller, Haywood. NAY: Baxter. ABSTAIN: Shanklin. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Avery Hall, 1515 NW 31st Street, explained problems with the City repairing and then replacing a water line in his front yard. Problems included that crews had to come back to replace the line, heavy equipment left oil spots in his driveway and broke chunks of concrete out of his driveway, ruts were left in his yard and the meter was put in crooked rather than level. He gave names, dates and times of contacts he had made with City officials in his attempts to remedy his concerns. The City Manager was asked to provide the proper remedies to Mr. Hall.

BUSINESS ITEMS:

1. Hold a public hearing and consider an ordinance amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Commercial and Office and changing the zoning from R-1 (Single-Family Dwelling District) to P-O (Professional and Office District) zoning classification located at approximately 6302 NW Rogers Lane. Exhibits: Ord. 00-16; Location Map; Applications; Site Plan; Draft City Planning Commission Minutes.

Bob Bigham, City Planner, presented a view graph map of the property and provided the following background information: The request contains 34 acres located east of the intersection of NW Rogers Lane and NW 67th Street. The owner of the property is the City of Lawton. The zoning of the surrounding area is R-1 to the south, east and west, and none to the north (Fort Sill). Land use of the surrounding area is Fort Sill to the north, vacant and single-family residential to the south, and vacant to the east and west. Proposed use of the eastern seven acres of the requested area is an office complex. At the present time there is no use identified for the balance of the requested area.

Notice of public hearing was mailed on April 18, 2000 to six property owners within 400 feet of the requested area, and proper notice was published in The Lawton Constitution on April 24, 2000. The City Planning Commission (CPC) held a public hearing on this request on April 27, 2000. During the public hearing one person spoke in favor of the request, and one person spoke against the request. The CPC, by an 8 to 0 vote, recommended approval of the request to the City Council.

Mayor Powell declared the public hearing open. No one appeared to speak and the public hearing was closed.

MOVED by Purcell, SECOND by Hanna, to approve Ordinance 00-16, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 00-16

An ordinance amending the 2020 Land Use Plan from Residential Single Family and Duplex to Commercial and Office changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-O (Professional and Office District) zoning classification on the tract of land which is hereinafter more particularly described in Section Two (2) hereof, authorizing changes to be made in the 2020 Land Use Plan and upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

2. Consider the Consolidated One-Year Action Plan for FFY 2000, approve the final plan for submission to U.S. Department of Housing and Urban Development (HUD), approve a resolution authorizing the Mayor and City Clerk to execute the submission documents, to execute the Grant Agreements upon approval by HUD, and to execute other documents required by HUD to implement the CDBG and HOME programs. Exhibits: List of Funding Requests; Revised Alternatives for Funding; Res. 00-43.

Frank Pondrom, Director of Housing and Community Development, said \$1,166,789 can be divided among many, many worthwhile projects. He said Mr. Smith from Marie Detty has requested \$15,000 changing it from a public service type request to a request for physical improvements at one of their day care centers and that would qualify as a public improvement activity, which was recommended for funding by reducing the contingency fund by that amount. Pondrom recommended Alternative D, stating the Teen Pregnancy Program was increased to \$40,000, which was a concern at the last meeting.

Mayor Powell said a letter was received from Rita Love, Lawton Housing Authority, and that should be acknowledged. He said another request had been received from the Pregnancy Resource Center. Pondrom said the Pregnancy Resource Center had applied for \$26,000, but they would be helping those outside of Lawton and it may not be an increase in the level of service. Pondrom said he would continue to work with the organization to see if they could qualify for funding in the future.

Pondrom said the HOME program is the other half of the two grants being considered and the total available through that program is \$511,000.

Haywood suggested Love's request for funding with the Housing Authority be considered. Pondrom said the request is under the public service cap and if the request is approved, another entity's funding allocation would have to be reduced accordingly. Shanklin asked if funding to Family Counseling would be used in Duncan since they have facilities there also and Pondrom replied that the funds are segregated and none of those funds are used in Duncan. Purcell asked Rev. Moyd, Youth with a Purpose, if administrative costs would go up since their request was increased from \$25,000 to \$48,000. Moyd replied that one additional employee would be needed because they would go from 20 youth to 40, but that administrative costs are still very low and it is a year round program. Moeller asked if funding could be found for the New Directions Shelter. Pondrom said \$150,000 was provided last year and \$16,000 will be provided for security items through a different program year.

Rita Love, Lawton Housing Authority, who was absent from the previous meeting, explained her request to provide funds that program participants could borrow, at no interest, and then repay the loan. She said this would allow them to establish a credit history and further help them to become self-sufficient. She said the amount of the loans would be \$300 or \$400 and would not be enough to purchase vehicles. Purcell asked if the City could set aside \$5,000 from the General Fund for the Housing Authority to have such a program. Steve Livingston, Finance Director, said he would defer to the City Attorney because he was not sure if the City could loan funds where there would be a risk that funds would not be repaid.

Baker said a question was asked at the last meeting about Hospice not spending their full allocation and whether those funds could carry into the next year. Pondrom said the HUD requirement is that the actual expenditures cannot exceed 15% for public service activities each year. Pondrom said they asked if you could "bank" some of that 15% if it is not spent in a year, and they said you could not, so he would look at ways to be able to further use the funds. Purcell asked if the \$5,000 could be used to fund the Housing Authority's request if it is found on June 15th, for example, that the 15% would not be spent. Pondrom said it would require a plan amendment that would take 30 to 45 days to accomplish. Smith asked why it could not be put into an economic development category since the purpose is to have people gain employment. Pondrom said the narrative submitted indicated it would be a public service use.

MOVED by Baxter, SECOND by Smith, to approve Resolution 00-43 using Alternative D, with the exception that the

\$15,000 for Marie Detty be included in the proper category. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-43

A resolution authorizing the filing of Consolidated One-Year Action Plan for 1 July 2000 thru 30 June 2001 Year, with the U.S. Department of Housing and Urban Development as provided in Title I of the Community Development Act of 1974, as amended, and authorizing the Mayor and City Clerk to execute the grant agreement and implementing documents.

Funds shown in Alternative D:

COMMUNITY DEVELOPMENT BLOCK GRANT:

HOUSING:

Housing Rehab \$303,278; Rental Rehab (Taliaferro Project) \$23,850; Demolition \$10,000; Emergency Home Repair \$80,000; Housing Counseling \$20,120 - TOTAL \$437,248

PUBLIC SERVICES:

MedTrans \$78,513; Hospice \$20,000; Teen Pregnancy Prevention \$40,505; Family Counseling \$36,000 - TOTAL \$175,018

ECONOMIC DEVELOPMENT:

Northside Chamber of Commerce \$65,000; Youth Job Development (Peer Training) \$20,000; Youth With Purpose \$45,000; ZOE NEED (Economic Development Adult Placement) \$23,096 - TOTAL \$156,096

ADMINISTRATION, PLANNING & CONTINGENCY:

Administration \$194,405; Contingency \$23,022 (Note: Contingency was reduced by \$15,000 which was funded to Marie Detty for public improvement) - TOTAL \$217,427

NEIGHBORHOOD PROJECTS:

Historic Preservation (Mattie Beal Home) \$31,000; Waterline SW Wisconsin (11th-17th) \$120,000; 35th Division Park-Renovate Wading Pool Restroom \$10,000; Mocine Park-Renovate Wading Pool Restroom \$10,000; Harmon Park-Renovate Wading Pool Restroom \$10,000 - TOTAL \$181,000

CDBG TOTAL: \$1,166,789

HOME Funds:

Community Housing Development Organizations \$76,650; Homeowner Rehabilitation \$222,622; First Time Homebuyer \$175,000; Administration \$51,100 - TOTAL \$525,372

3. Hear a presentation from Chief Ben Lehew regarding a program for the Pre-Release Center to assist in cleaning up alleys and right of way within the City of Lawton, and take appropriate action. Exhibits: None.

Shanklin said there are 217 blocks of alley in Ward 7, 168 in Ward 5, 45 in Ward 3, 69 in Ward 2 and 17 in Ward 1; Wards 4, 6 and 8 do not have alleys but do have right of ways.

Ben Lehew, Chief of Security at the Lawton Community Corrections Center, said Shanklin called him about the possibility of using inmates to clean up alleys and easements. His explanation of the Prisoner Public Works Program of the Oklahoma Department of Corrections is as follows: ODOC pursues Public Works programs consistent with State Statute by engaging in public service activities or projects that serve and benefit a public purpose. These activities may require the utilization of state resources, inmate labor. Projects may take place on private land to serve a public purpose. As authorized by state law, inmates under the custody of the DOC may be assigned to municipalities, counties, or other state agencies or political subdivisions, the federal government or its agencies and Oklahoma Indian Tribes for the purpose of working on projects that benefit public purpose. The Lawton Community Corrections Center currently operates PPWP programs with local agencies, cities, counties and provides inmate labor for the work crews. State wide there are 2,200 inmates who participate in the program each month. Each month these inmates give over 290,000 hours; state wide, taking minimum wage, they give over \$1.5 million a month in savings to the entities they help, or \$18 million a year. Limitations on a work crew are they cannot be used to work on privately owned vehicles; they cannot be used in any manner which would benefit a single person, the whole community would have to benefit; inmates cannot operate motor vehicles, they can only operate vehicles such as fork lifts or riding mowers.

Lehew said public safety issues have come up and inmates are supervised by correctional officers at all times when inmates are on the job. Some crews are supervised by civilians who have gone through the ODOC training program. All correctional officers are equipped with radio communications; all inmates assigned to this project are screened as to criminal history and conduct and looked at before being given a job. If the inmate has an escape or violent crime or sex offenses, they are not put out on the grounds. All inmates are uniformed in blue jeans and blue shirts with the word inmate in two inch high letters on the back; all inmates are properly identified.

Lehew said resources the State will provide are transportation to and from the job site, meals for the inmate, medical care in the event an inmate is injured, and most tools and safety equipment. He said use of a dump truck or chain saw may be needed for projects such as the ones being discussed. Correctional officer supervision is provided at no cost. There is no cost to the City for use of the inmates and the work instills a strong work ethic in the inmate and the community benefits from the labor. This allows an inmate, who owes a debt to society, to repay his obligation and provide the labor for projects in the community. Inmates are an additional source of labor to help city leaders beautify and maintain the cleanliness of the community.

Shanklin asked if some of the correctional officers are in the private sector. Lehew said some outlying cities have their staff members go through a training orientation course to allow them to supervise the inmates and those persons are

responsible for the inmates once they leave the facility. Lehew said they look at them as an extension of the DOC staff but if there is a problem with the inmate, DOC is notified to take care of the problem. DOC does not have enough staff to be able to help everyone so this is another way for the program to work. Shanklin asked if the city could provide the individual to supervise the crew if they so desired. Lehew said yes; if they are asked to do the program and they provide correctional officers, it will all be on them; if the city wants to hire someone and bring them in to do the job, then DOC will have to put them through the training and enter into a contract with the City; if it is done only with correctional officers, there is no need for a contract.

Shanklin asked how often they could do work in the city. Lehew said probably two weeks per month; their count is down and a lot of agencies are in need of labor so they do not have enough to go around right now, but they can get it done. Lehew said it would not be a two or three month project, but a long term project.

Smith said when he first came on the Council two years ago, the City was in the process of settling a lawsuit with a woman who was raped and kidnaped by inmates doing this kind of work. He said this is a big concern to him and that he could not recall the details or the cost to the City but knew the woman was irrevocably damaged. Smith said he could not support this because no matter how much you supervise it, the City is being opened up to a lawsuit and lives are being endangered.

Haywood said these people have to go back into society and they have to be given a second chance. He said people make mistakes, receive rehabilitation and if they are not given a chance, it will be difficult for them to get out and find a job. Shanklin said he had discussed this aspect with Chief Lehew and now the inmates wear a shirt and they are under ODOC supervision, but they were not under ODOC supervision in the instance mentioned. He said inmates work at the landfill right now and the ones he had come into contact with were a pretty nice looking bunch of guys. Chief Lehew said the inmates being referred to did not commit that act while they were on a work crew; they were on an escape status.

Devine said he appreciated Shanklin including him in this. He said he felt help was needed in cleaning up, and there are areas in his ward where the people do not have the income to do some of the work that needs to be done. Devine said he wished we could take them onto private property because he even mentioned to Mr. Baker a couple of days ago if there was some way that we could get some type of funds that we could help the elderly and others because he gets out and looks at trash and high weeds and did not have the heart to turn some people in for the simple reason he knew they could not afford to clean it up. Devine said this may be a start to at least get the alleys cleaned up because they are pretty pitiful.

Purcell said he agreed with Haywood and understood Smith's comments. He said he appreciated Chief Lehew's remarks that ODOC will be supervising, and he would not support the project if the City plans to hire someone to supervise them and that was what got us into trouble last time. Purcell said this could help the inmates and the community and it is a great idea. He said he hoped it would not be limited to certain wards and would include right of ways, although the alleys should have priority.

Shanklin said we can hire our own people to go out there if you want to clean the city up. He said four years ago, the south side shot him down because they were afraid they were not going to get the money spent in their wards that we were going to spend in Wards 1, 3, 5 and 7. Shanklin said we should not look at it like that and we should try and clean up this part of town, and we will get the rest of it. He said 1401, 1403 and 1405 Dearborn were inspected for tall weeds and grass on April 5, and again on April 18, and again on May 1, and now it is May 9 and nothing is done. Shanklin asked if code enforcement was just writing them down; one man was given 16 tickets. He said he did not want to give people tickets but after you have given them one time, you should give a citation instead of going back out there, writing it down and saying the day is made because it was inspected again. Shanklin said the report should show if a citation was given, and Baker inspected Ward 5 also.

Shanklin said people could go through the ODOC inmate supervision course and more crews could be used to get the work done. Purcell said he did not support people other than ODOC supervising the inmates and that Lehew had stated he had personnel to supervise them and he would support that.

Devine said he would make a motion to take appropriate action. Shanklin asked if that was to direct the City Manager to get with them and Devine said yes. Shanklin said he wanted to add to the motion that the wards that are involved, the members designate an alley or two to the City Manager and get pictures before and after so we can see the improvement and then decide if this should continue. Devine agreed.

MOVED by Devine. SECOND by Shanklin, to take appropriate action, direct the City Manager to get with ODOC, the wards involved can designate an alley or two to the City Manager and get pictures before and after so we can see the improvement and then decide if this should continue.

Baker said he supported the suggestion and felt it was excellent; manpower is available that the city can use. He said the city does need to be cleaned up and that earlier today he went through Ward 5 for about 30 to 45 minutes and made a list of 35 addresses, and those were only the worst and it was only high weeds and grass. Baker said if we can work something out with the Pre-Release Center he thought it would benefit the community; there has been some hesitancy in the past because we have had some problems and some of the department and division directors have elected not to use Pre-Release inmates any longer because of those problems we have had in the past. He said if we have professional and proper supervision, it can be a program that will work and benefit the community. Baker said he thought we had an existing agreement with ODOC since inmates are used at the landfill, so we can look at the agreement and bring an amendment to implement such a program.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Hanna. NAY: Smith. MOTION CARRIED.

Shanklin said staff keeps inspecting properties but nothing is done. Hanna said he left the area Shanklin mentioned before about 11 a.m. today and a city inspector was there writing it down again but the yard has not been mowed since the grass started growing. Hanna said there are a couple of others in this particular area in a similar condition. Mayor Powell asked if we had been there five times with no action. Hanna said at least five times and a notice is posted on the window but no action.

Purcell said he had discussed the issue about citations and it was going to be brought back. He said the easiest and most simple way for everyone to understand, if the City goes through the process and has to turn a yard over for mowing, whether it is the first time or the third time, they get a citation. Purcell said that gives everyone ten days to mow their own property, and if that is done, no citation is issued; the next time the property is called in, it will have already been posted from the previous time so it will automatically be turned over to be mowed, according to staff, so a citation would be written when it is turned in to be mowed. He said when a property is turned over to be mowed, a citation should be written; and if it is turned over to be mowed three times in a summer, the house or resident gets three citations and they can argue with the judge and if there is a good reason, the judge will take care of it. Purcell said the goal is to get people to mow their own lawns.

Mayor Powell said it would seem that someone had not done their homework in the past if we have visited a property five times and we have done nothing about it. He said he felt the ordinances were in place now to allow these situations to be taken care of but that it could be researched.

Shanklin said it takes time to notify the people and a year ago we gave staff permission to hire temporary people to go to the courthouse and he understood those were permanent people now and asked if that was correct. Baker said he thought the clerks were doing that in Code Admin. and they are permanent. Shanklin said we hired some temporary last summer and asked if they are now permanent. Baker said he did not know if those were the same ones, but we do not have temporary people doing that.

Mayor Powell said he had been told by the City Attorney that after we post it for ten days, that on the 11th day, we can mow it. Vincent said that was correct. Mayor Powell asked what we were waiting on and why we were going back out there five times. Purcell said a problem has been that when Council gives direction to staff, then someone calls to complain and Council says a ticket should not have been issued. Shanklin said he disagreed that the 84 year old man on F Street should have been given a \$200 fine. Purcell said that was only one and Shanklin said he had not complained about any others. Purcell said everything is in place and Council just has to tell the Manager and then everyone on the Council agree that a citation should be issued when a property is turned over for mowing. Purcell said if that person calls a councilman, the response should be that you violated the code and you have to take it up with the judge and the councilman will not pursue it, and if everyone sticks with that, the yard would get mowed.

Baker said what Councilman Purcell just said was the way they were supposed to be addressing this matter, and why we went to the same address five times in the last two months, he was not sure and would check that out. Baker said he will get with Code Administration tomorrow and make sure we are on the same sheet of music, that we are doing what Council has asked us to do. He said the sheer volume of these things is part of the problem right now, but we should be adhering to our procedures, we are getting hundreds of these, at least 50 per day, and it is hard to keep up with them, but he did not know why we went to the same address five times, and you do not see a lot of things happening too quickly. Baker said he would meet with Code Administration tomorrow to make sure we are following the proper procedures and if they need resources to get this job done then they need to let him know that and they would discuss it. Shanklin said he would support that, but last time there was a question about Social Security numbers. Vincent said that is apples and oranges; to get a property mowed takes a notice posted on the property or mailed to the owner of record at the County Clerk and County Treasurer's Office; to issue a citation, which means we have to be able to arrest that person and possibly put them in jail for failing to appear, we have to be able to identify the person we are giving the ticket to because that is a criminal procedure matter that is not addressed in the code. Vincent said he has a report that will be given out tomorrow to answer that question but you are talking about the administrative procedure of mowing the yard and the criminal procedure of putting someone potentially in jail and we have to be able to identify the right person when we send the police out with an arrest warrant.

Shanklin read the following: Other means of abatement, issue a citation to the property owner, tenant, lessor, lessee, inhabitant, occupant, resident of the property or any real estate agent, realty company or other agent with apparent control or authority to direct maintenance of the property. He asked if you could use any of those people. Vincent said yes, we just have to find one that a warrant can be issued on, which means you have to be able to arrest the right person. Shanklin asked if you could notify any one of these people and then mow it in ten days. Vincent said all we have to do is post it on the property. Devine said we do not even have to notify them, do we? Vincent said that was correct. Devine said we just post it on the property and if it has not been done in ten days, we mow it. Vincent said we do have an appeal period if they want to exercise it but he did not recall an appeal in the last three or four years.

Haywood said the City has some property that has not been mowed either, and when it is mowed, it should be trimmed and the grass picked up. He said that is not being done in some places and that he had received some calls and the City Manager would take care of them.

Baker said he received an e-mail from Mr. Salva earlier today and a copy had been placed in Council distribution. He said we are behind on our mowing, with the rains and the early growing season it has hit the City hard also. Baker said Parks & Recreation has been busy providing support for different events and we have had to pull people off of mowing to support those events. He said crews will start working on Saturday to try to get caught up because we must set the example, the City's weeds and grass cannot be over 12 inches either and we are no better than any citizen. Baker said it is being addressed and it will require some overtime, and we will get caught up, but right now we are behind also.

Shanklin said he received a report tonight and previously received them on a daily basis but there is not a citation shown anywhere through May 8. He said he was not interested in mobile home inspections but was looking at debris, high grass, limbs and trash in the alleys, no trash cans. Shanklin said supervisors go up and down the alley and see properties without trash cans, and that is in the code too that the citizen has to provide a trash can, although many in his ward could not afford one. He said when the report is done, something should be included to show what was done with them besides just re-inspection several times.

4. Consider burned out houses at 707 Gore and at 1809 Dearborn and take appropriate action. Exhibits: None.

Shanklin said he would pass around a picture of 1805 Dearborn, which is not secured. He said the code states they have to put the plywood over the doors and give it a primer coat and then a coat that matches the color of house. Shanklin said the one on Gore is an eyesore and has been there over six months, they have paneled the bottom half of it. He asked how long we have to live with that before staff will promote making the owner do something with it; how long would you have to live beside the swimming pool that has got two feet of water in it with mosquitoes. Shanklin said this has been brought up before and we will not do anything tonight and it will be brought back, and it is not 1809 Dearborn but 1805 Dearborn. He said he wanted Baker to tell him what we can expect as far as when something like this would be cleared up. Shanklin said he did not care where the mortgage company is that has 1805 Dearborn but the neighbors think he is either condoning it or does not care but he did care.

Devine said last year when he first came on the Council we went through this and every time you get stuff on the list to be torn down or something done with, the Council would extend it and pass it on and you are right back to where you started. Shanklin said they have to repair or demolish but they will not do either unless we get on them. Devine agreed something needed to be done.

Mayor Powell said if a person comes forward and shows they are truly trying to rehabilitate a structure, he had seen sympathy extended to those persons and the buildings have been rehabilitated. He said no one had come forward on these two addresses so apparently nothing was being done about them.

Purcell said he agreed with Devine's comments, he was frustrated with this and expressed that before. He said staff brings properties to be demolished but the owner comes in and requests six months and one person on the Council would give him six months. Purcell said he had no problem with that but then the same person wants to argue we are not tearing properties down. Shanklin told Purcell to use his name. Purcell said when people come down here, Shanklin wants to give them six months. Purcell said we are not getting anywhere. Shanklin said he has only one vote. Shanklin said it may take a person six months to finish making repairs and in some instances the work has been done.

Baxter asked the address of the property with the swimming pool in the back and Shanklin said 1805 Dearborn. Baxter said that is very dangerous, a gate is wide open and a two-year old child could wander into that yard.

Haywood suggested using Community Development funds to repair a house and that it would then become City property and it could be sold. He said that would be better than tearing houses down and leaving vacant lots.

Mayor Powell said to his knowledge the owners of the properties shown in this agenda have not been before the Council to speak about their properties. He said complaints had been turned in about the property on Dearborn and that he had gone out there before.

Devine said he had been waiting for someone to say something about the property on Gore, but his comment was that we would put this on to be demolished and as soon as the owner is notified, he will come down here, after having waited all this time before doing anything other than half way cleaning it up and stopping. He said when notice is given, the owner will appear at the podium and request six months to remodel it but six months has already gone by with nothing having been done. Devine said he had no problem with Council giving another six months but that is common and it prolongs the problem. Mayor Powell said the goal is to get the properties repaired. Devine agreed it should be done in a legitimate length of time rather than two or three years, and asked that the comments be included in the minutes because the properties would be brought back.

Baker said Code Administration is pursuing action on these properties. He said that he, the City Attorney and Mike Jones visited both of these properties, and the one on Gore did not meet the criteria for a dilapidated structure; it appeared to be properly secured. Baker said some work may be able to be required on the exterior but it does not meet the criteria for a dilapidated structure. He said the owner indicated he had hired someone to draw up the plans to remodel the structure, which he plans to do, and he wants to begin work by early June. Baker said Shanklin had turned the property in to him before and it is an eyesore but Code Administration advised it does not meet the criteria for dilapidated and it is properly secured.

Baker said they visited 1805 Dearborn and it probably does meet the criteria and they have started the process to declare it a dilapidated structure. He said the Health Department has been contacted regarding the pool, and they are putting the fence back up, but they need to secure the pool and get it drained. Baker said the pool was drained once before by Public Works in July 1999.

Shanklin asked if the property on Gore is not considered dilapidated. Baker said the City Attorney advised him of that on site two days ago. Devine suggested someone visit the basement. Shanklin asked if it was 50%. Vincent said he asked Mike Jones if they could provide an estimate, based on them not being able to get into the structure the day they went over, on the value of remodeling and bringing it up to code. Vincent said under the current code it must exceed 50% before we can say it is dilapidated because the structure is structurally sound. Vincent said we have an existing structures code, which we have never chosen to enforce, and he was not sure of the reasons Council never let them enforce it. Shanklin said it is a historical house and Ned and Fred Shepler were raised there, the owners of the Lawton Constitution.

Shanklin said the use of the house in the back was changed to storage and that was allowed without requiring them to tear out the plumbing. He said when it is no longer an apartment, the plumbing has to be removed, or at least that he would have to do so. Shanklin said he knew the gentleman and he does not live here, and it should be an eyesore to everyone who drives by and sees it. He said if this house does not meet the 50% they should not let him buy another nail. Vincent said he was not allowed to get into the house because it is boarded and secured. Shanklin said the upstairs windows are wide open and it has rained in for six months.

Mayor Powell asked the City Manager to put the final verbiage on this. Baker said staff is working with the owner of 707 Gore and he should be requesting a building permit to remodel the structure. Mayor Powell asked if there was a time frame as to when that might happen. Mike Jones said the owner intends to start construction in June. Baker said a letter has been sent to the owner of 1805 Dearborn advising them of the situation; staff has contacted the Health Department regarding the pool and they will be inspecting it and that is the most urgent thing. Baker said action is being pursued as far as a dilapidated structure on that location. Mayor Powell asked that another report on these items be given at the next Council meeting.

5. Consider a resolution declaring the City's support for taxation on sales through the use of new communication technologies and expressing the City's opposition to expanding the current internet tax moratorium to include state and local sales and use taxes. Exhibits: Res. 00-44.

Steve Livingston, Finance Director, said this resolution has been recommended for consideration to send to Congress. He said there are two parts, one dealing with taxation of the internet sales and how it impacts our sales tax, and the other item is to recommend and encourage the federal government and the various groups that represent cities to expedite the current efforts in writing a federal sales tax that would cover catalog sales, internet sales. Livingston said there was a mention about a moratorium not being extended but Congress has acted on that in the last few days. He said the resolution shows our concern to the elected representatives on how important the sales tax is to us, it is one-third of the operating income and almost all of the infrastructure funding; nation wide about 40% of the income to cities is from sales tax and the internet is growing greatly, and this is trying to find a way to replace those tax funds that will be lost in the future.

MOVED by Shanklin, SECOND by Smith, to approve Resolution 00-44. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-44

A resolution declaring the City's support for taxation on sales through the use of new communication technologies; and expressing the City's opposition to expanding the current Internet tax moratorium to include state and local sales and use tax.

6. Consider endorsing the Transportation Improvement Program (TIP) for Federal Fiscal Years (FFY) 2001-2003. Exhibits: TIP FFY 2001-2003 provided separately.

MOVED by Haywood, SECOND by Smith, to endorse the Transportation Improvement Program. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

7. Consider authorizing the release of the Internal Affairs Investigation, the Internal Auditor's Report and the Independent Investigator's Report of the investigation of the landfill. Exhibits: Request for release of records from Mr. David Hale.

Vincent said he was visited by David Hale who provided a written request for release of those documents just described with the added proviso that the independent investigator's report be sanitized or purged of any private or confidential information. He said pursuant to the statute which says the public body, and this is the public body here, may keep personnel records confidential, and this can be categorized as an internal personnel investigation, he felt the Council, even though he has the authority for certain release of documents under a resolution, that this was significant enough that the Council should consider this item. Vincent said he would make a recommendation if asked to do so. Shanklin asked for a recommendation. Vincent recommended releasing the documents after they have been sanitized.

MOVED by Shanklin, SECOND by Hanna, to release the documents that have been requested by Mr. David Hale, as his request, one, two three, which means they be purged of whatever you talked about.

Purcell asked if the Council would get a chance to see the document before release because Council has not seen the document even before it was redacted. He said he did not support releasing documents with peoples' names in them or positions that could be identified, and it would be very hard to get rid of all of those names so you cannot tell who they are. Purcell said he was willing to release them because there are rumors going around so why not release them, but Council needs to see what is being released before it is released. He said Council did not see the full report. Shanklin said after you see that, it is public knowledge, all of it; once Council looks at them and reads them, according to the explanation he was given by the City Attorney, then they are public knowledge for everyone. Vincent said if Council members are given copies, they could be considered public and members were welcome to come by his office and sit there and read them. Vincent said he had not read them himself.

Baxter asked how the investigator felt about releasing the information. Vincent said he discussed it with Mr. Long and he was willing for the information to be released after it was redacted and Mr. Long will support any of his conclusions and would go to court if necessary.

SUBSTITUTE MOTION by Baxter, SECOND by Purcell, to table this until the Council has had a chance to read it before it is released. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

Vincent said the information is available in his office.

ADDENDUM: 1. Consider entering into a concession contract for McMahon Park. Exhibits: Contract.

Mayor Powell said this item will be stricken.

CONSENT AGENDA :

8. Consider the following damage claims recommended for denial: Angella F. and Keith A. Bean; Nanette Duran; and John and Pat Horn. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

ITEM 9 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

10. Consider requests for the installation of traffic control devices at the specified locations. Exhibits: Excerpts from draft Minutes of the Traffic Commission meeting of April 20, 2000. Action: Deny requests for installing road buttons on W Gore just east of Sheridan Road and at the intersection of 31st and Atlanta, and deny the request to construct an additional lane on NW Homestead Drive on the south side of Cache Road.

11. Consider a resolution authorizing the installation of traffic control devices at the specified locations. Exhibits: Res. 00-45; Excerpts from draft Minutes of the Traffic Commission meeting of April 20, 2000.

(Title only) Resolution No. 00-45

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. 1) Stop signs at SW 16th and Wisconsin; 2) No Parking signs in front of 2010 NW Andrews; 3) Traffic control to prevent northbound traffic on Fort Sill Blvd. from turning left onto Cherry; 4) Install No U Turn signs on Sheridan for southbound traffic at the Montgomery Wards entrance and for northbound traffic at NW Lake, and to remove No U Turn signs on Sheridan for southbound traffic at NW Irwin Lane and also at Wal-Mart main drive across from P-A Chevrolet.

12. Consider accepting a permanent easement from RR company of America, L.L.C. in Lot Nine (9), Block Three (3), Erwin Acres Addition. Exhibits: Easement on file in the City Clerk's Office. Action: Accept easement.

13. Consider accepting the median opening and left turn bay improvements constructed at 205 SW Sheridan Road and maintenance bond. Exhibits: Location Map; Memorandum from Traffic/Civil Engineer; Maintenance Bond on file in City Clerk's Office. Action: Accept the median opening and left turn bay improvements constructed at 205 SW Sheridan Road and maintenance bond in the amount of \$1,725.00.

14. Consider authorizing the termination of the agreement with R. Duffy Wall and Associates for professional services to provide consultation and lobbying services to the City of Lawton. Exhibits: Copy of Notice of Resignation letter from John Reskovac; Consultant Agreement on file in City Clerk's Office. Action: Approval of item.

15. Consider approving a "Cost Reimbursement Agreement" between the City of Lawton Police Department and the Federal Bureau of Investigation for the purpose of supplying overtime officers and equipment for enforcement action associated with the "Weed & Seed" initiative. Exhibits: Copy of Reimbursement Agreement and associated disclaimer. Action: Approval of item.

16. Consider entering into a Memorandum of Understanding with Marie Detty Youth and Family Services Center for a cooperative effort with the Parks and Recreation Department to provide alternative recreational activities for youth in the City of Lawton. Exhibits: Memorandum of Understanding; Funding Request. Action: Approval of item.

17. Consider approving the record plat for Willow Park Addition and accepting the improvements and maintenance bond. Exhibits: Plat Map; Maintenance Bond on file in City Clerk's Office. Action: Approve the record plat for Willow Park Addition and accept the improvements and maintenance bond in the amount of \$14,700.00.

18. Consider approving the plans and specifications for the construction of a sewer line to serve Walgreen's Pharmacy at the northwest corner of NW 67th Street and Cache Road. Exhibits: Location Map. Action: Approve the plans and specifications for an 8-inch sewer line in the Cache Road right-of-way to serve Walgreen's Pharmacy located at the northwest corner of NW 67th Street and Cache Road.
 19. Consider approving the plans and specifications for the construction of a water line to serve Barry's Chicken Ranch on Interstate Drive. Exhibits: Location Map. Action: Approve the plans and specifications for the construction of a 6-inch water line to serve Barry's Chicken Ranch on Interstate Drive subject to DEQ approval.
 20. Consider approving plans and specifications for the Verna Cook & Harkey Park Improvements Project #2000-9 and authorizing staff to advertise for bids. Exhibits: Location map. Action: Approval of item.
 21. Consider approving plans and specifications for the Animal Welfare Building Improvements Project #2000-15 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approval of item.
 22. Consider accepting "E" Avenue Waterline Project #99-16 as constructed by S.M. Burk Mechanical Contractors and placing the Maintenance Bond into effect. Exhibits: Location Map. Action: THIS ITEM WAS STRICKEN AND WAS NOT CONSIDERED.
 23. Consider approving a Release of Conditional Lien on residential properties belonging to Norman & Helen Cook, Billy & Connie Billings, Walter & Frances Riley, Ora Grayson, and Delora May Mason; all of Lawton, Oklahoma, and authorize execution of the Releases of Conditional Liens. Exhibits: Releases of Conditional Liens and Conditional Liens on file in City Clerk's Office. Action: Approval of item.
 24. Consider approving a Release of Conditional Lien on residential property belonging to Ms. Almeta Ball located at 1416 NW Kingsbury, Lawton, Oklahoma, and authorize execution of the Release of Conditional Lien. Exhibits: Release of Conditional Lien and Conditional Lien on file in City Clerk's Office. Action: Approval of item.
 25. Consider approving an amendment to the retainer agreement with the firm of McAfee & Taft to represent the City in pending litigation between the City of Lawton and International Association of Firefighters, Local 1882. Exhibits: Amendment #1 to Retainer Agreement on file in City Clerk's Office. Action: Approval of item.
 26. Consider ratifying the action of the Lawton Water Authority on the request of Mike Mahoney, lessee of the Robinson's Landing Concession, to sublease jet ski, paddle boat and canoe rentals to Face Man's Water Craft Rentals, and, if the request is approved, authorize the Mayor to sign the letter of authorization. Exhibits: None. Action: Ratify Water Authority action.
 27. Approve the purchase of a new electric range for the kitchen area of the Patterson Recreation Center. Exhibits: Examples of possible replacements. Action: Approve the purchase of a new stove for the kitchen area of the Patterson Recreation Center. Council Contingency Fund was listed as funding source; cost should not exceed \$4,000.00.
 28. Consider approving the following contract extension: Automatic Transmission Repair with K-Co., Inc. dba Mr. Transmission. Exhibits: None. Action: Approval of item.
 29. Consider awarding contract for hydraulic pump & cylinder repair. Exhibits: Department recommendation and Abstract of Bids. Action: Award contract to Multi-Power Products, LLC, of Duncan, OK.
 30. Consider awarding contract for temporary workers. Exhibits: Department recommendation and Abstract of Proposals. Action: Award contract to Interim Personnel of Lawton, OK, for Item 2a, Category II; Direct Staffing of Lawton, OK, for Items 2b, 3c, Category II.
 31. Consider approval of appointments to boards, commissions and trusts. Exhibits: Memo.

Lawton Metropolitan Area Airport Authority: Hossein Moini, Chamber of Commerce Rep., Term exp. 12/31/00.

Building Development Appeal Board: Roy Wicker, General Commercial Contractor, Term: 12/9/99 to 12/9/2001

McMahon Auditorium Authority: David Fennema, Term: 5/9/00 to 6/30/00

Arts & Humanities Council: Bobbi Matchette, Term: 5/9/00 to 6/30/01
 32. Consider approval of payroll for the period of May 1 through 14, 2000. Exhibits: None.
- Mayor Powell said Item 22 would be stricken. Shanklin asked for separate consideration of Item 9.

MOVED by Smith, SECOND by Purcell, to approve the Consent Agenda items as recommended with the exception of Items 9 and 22. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

9. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Valentin and Gloria Zavala; Southwestern Bell Telephone; Gudell E. McCabe; Brad and Ninette Carter; Lorraine A . Navarro; James Sauerman; Anthony and Julie Capuccio; and Jeffery and Betty Goerke. Exhibits: Legal Opinions/Recommendations; Res. 00-46; Res. 00-47; Res. 00-48; Res. 00-49; Res. 00-50; Res. 00-51. Sauerman: \$110.0; Goerke: \$113.00.

Shanklin said this has to do with sewer line backups where we have been put on notice and did not abate it, but we rodged the obstruction from the line that caused the backup. He said the information shows that: "a review of those records of the wastewater collections revealed one prior problem with the segment of the main serving the plaintiff's residence in the past three years; we were put on notice of a defective condition". Shanklin said we have no way of seeing how it was defective and asked how we abate the problem. Vincent said the rodding or flushing done three years ago would have abated the problem at that time, however, he did not know if the line was bad enough to be put on the PM schedule. Shanklin said he was talking about all of the sewer backups because something would have been lodged in the line that we caused to break loose. Vincent said if you have grease in the line and we get rid of the grease, that is abating the prior problem. Shanklin said his point was we do not know if it is defective if we cannot see it. Vincent said if we have to return within a given period of time it is obvious we did not fix it correctly the first time.

MOVED by Shanklin, SECOND by Smith, to approve Item 9. AYE: Baxter, Smith, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. OUT: Hanna. MOTION CARRIED.

(Title only) Resolution No. 00-46

A resolution authorizing and directing the City Attorney to assist Valentin and Gloria Zavala in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Six Hundred and no/100 Dollars (\$600.00).

(Title only) Resolution No. 00-47

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Four Hundred Seventy One and 24/100 Dollars (\$471.24).

(Title only) Resolution No. 00-48

A resolution authorizing and directing the City Attorney to assist Guydell E. McCabe in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Eleven Thousand Two Hundred Fifty Eight Dollars and 50/100s (\$11,258.50).

(Title only) Resolution No. 00-49

A resolution authorizing and directing the City Attorney to assist Brad and Ninette Carter in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of TwoThousand One Hundred Eleven Dollars and 56/100s (\$2,111.56).

(Title only) Resolution No. 00-50

A resolution authorizing and directing the City Attorney to assist Lorraine A. Navarro in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of OneThousand Four Hundred Ninety Six Dollars and 75/100s (\$1,496.75).

(Title only) Resolution No. 00-51

A resolution authorizing and directing the City Attorney to assist Anthony and Julie Capuccio in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Seven Hundred Sixty Seven Dollars and 97/100s (\$767.97).

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood invited everyone to the Youth Rally at Verna Cook Park on Saturday at 10 a.m.

Mayor Powell said the National Day of Prayer was a complete success. He said the youth risk behavior group has been formed and started work.

Baker distributed copies of the preliminary budget, thanked staff for assistance and offered to present the budget in special meetings as needed.

BUSINESS ITEMS:

33 Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

34 Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Police Union, IUPA, Local 24, and the

City of Lawton, and take appropriate action in open session. Exhibits: None.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Michael D. Cornish vs. City of Lawton, Case No. CJ-97-138, in the District Court of Comanche County, and if necessary, take appropriate action in open session. Exhibits: None.

ADDENDUM ITEM 2: Pursuant to Section 307C9, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an economic development prospect to be located within the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Shanklin, SECOND by Haywood, to convene in executive session to consider the items so listed on the agenda and recommended by the legal staff. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:10 p.m. and reconvened in regular, open session at approximately 9:30 p.m. with roll call reflecting all members present.

Vincent reported executive session was held on Item 33, under Section 307B.2, Title 25, Oklahoma Statutes, concerning the Fire Union, IAFF, Local 1882, and the current status of negotiations. No action is required at this time.

Vincent reported executive session was held on Item 34, under Section 307B.2, Title 25, Oklahoma Statutes, to discuss the on-going negotiations with the Police Union, IUPA, Local 24. He recommended a motion.

MOVED by Devine, SECOND by Smith, to accept the contract. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

Vincent reported executive session was held on Item 35, under Section 307B.4, Title 25, Oklahoma Statutes, to discuss the litigation of Michael D. Cornish v. City of Lawton, CJ97-138. He recommended a motion authorizing the City Attorney's office to contact the plaintiff's attorney to discuss the possible settlement along the guidelines the court issued.

MOVED by Smith, SECOND by Baxter, to authorize the City Attorney's office to contact the plaintiff's attorney to discuss the possible settlement along the guidelines the court issued. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

Vincent reported executive session was held on Addendum Item 2, under Section 307C.9, Title 25, Oklahoma Statutes, to discuss an economic development prospect. No action is required at this time.

Purcell said the Engineer Selection Committee meeting on Thursday is canceled and will be rescheduled to Monday.

There was no further business to consider and the meeting adjourned at 9:34 p.m. upon motion, second and roll call vote.